

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
WESTMOUNT GROUP, INC.	§	No. 21-30633-HCM-11
	§	
Debtor.	§	

**SUPPLEMENT OF ALBERT FLORES TO HIS MOTION
TO DISMISS CHAPTER 11 CASE AS A BAD-FAITH FILING**

TO THE HONORABLE H. CHRISTOPHER MOTT, BANKRUPTCY JUDGE:

Now comes ALBERT FLORES (“FLORES”), a creditor in this case, and files this Supplement to his Motion to Dismiss this Chapter 11 case as a Bad-Faith Filing (Doc.#17), and would show:

1.

ALBERT FLORES’ Motion to Dismiss this Case as a Bad-Faith Filing was filed on September 17, 2021, at 3:06 p.m. MST. When FLORES last checked at around 1:00 p.m., there were no schedules filed in this case. At 2:16 p.m. MST that afternoon, the Debtor WESTMOUNT GROUP, INC. finally filed its original Schedules A through H and Statement of Financial Affairs (Docs. #13 and #14) in this case.

2.

The Schedules, when they were eventually filed, were expected by FLORES to reveal “at least \$700,000.00” and “at least \$338,000.00” in the form of money market certificates at WELLS FARGO BANK, and at least three different loans from WELLS FARGO BANK to the Debtor, secured by those money market certificates. But those money market certificates are not scheduled, and the Statement of Financial Affairs reveals no transfer of them. The “at least” \$1,038,000.00 in money market certificates had been shown to the 327th District Court, in WESTMOUNT GROUP, INC.’s name, as recently as July 14, 2021. *See* Exhibits 15 and 16 in FLORES’ Doc. #17. The money market certificates are the subject of a temporary injunction

against alienation in the state court. The automatic stay does not dissolve an injunction. *See Seiko Epson Corp. v. Nu-Kote International, Inc.*, 190 F.3d 1360 (Fed. Cir. 1999), *reh'g denied*; *Holland America Ins. Co. v. Succession of Roy*, 777 F.2d 992 (5th Cir. 1985) (interpleader not dissolved by automatic stay). Any post-petition transfer would have been outside the ordinary course, requiring Bankruptcy Court approval. *See also Picco v. Global Marine Drilling Co.*, 900 F.2d 846, 850 (5th Cir. 1990) (*held*, automatic stay does not divest all other courts of jurisdiction to hear every claim that is in any way related to the bankruptcy proceeding). . . [O]ther district courts retain jurisdiction to determine the applicability of the stay to litigation pending before them” The only debt to WELLS FARGO BANK that is scheduled, is a line of credit with a balance of \$0.00.

3.

The only assets shown for WESTMOUNT GROUP, INC. are \$2,940 in a WELLS FARGO BANK checking account and 8 different real estate notes receiveable, payable to the Debtor by these entities:

- a) WESTMOUNT ASSETS, INC. (three notes)
- b) 71 CAMILLE, INC. (two notes)
- c) 538 EAST, INC. (one note)
- d) TRR 4133, INC. (two notes)

4.

According to the corporation records of the Texas Secretary of State, hereto attached as Exhibit “A,” WESTMOUNT ASSETS, INC.’s incorporator is KEYVAN PARSA, and he remains the principal officer and 50% shareholder of the Debtor.

5.

According to the corporation records of the Texas Secretary of State, hereto attached as Exhibit “B,” 71 CAMILLE, INC.’s incorporator and sole shareholder is DOUGLAS L. RUTTER, who is KEYVAN PARSA’s unofficial financial advisor and sometime bookkeeper.

6.

According to the corporation records of the Texas Secretary of State, hereto attached as Exhibit "C," 538 EAST, INC.'s incorporator and sole shareholder is DOUGLAS L. RUTTER, who is KEYVAN PARSA's unofficial financial advisor and sometime bookkeeper.

7.

According to the corporation records of the Texas Secretary of State, hereto attached as Exhibit "D," TRR 4133, INC.'s incorporator and sole shareholder is TERRI R. RUTTER. She is the spouse of DOUGLAS L. RUTTER, who is KEYVAN PARSA's unofficial financial advisor and sometime bookkeeper.

8.

It is evident from the foregoing that the Debtor's only business activity is posting and cashing real estate note payments from other insiders, for benefit of its insider KEYVAN PARSA, who moves the money around whenever it suits him.

9.

The Debtor reports no income, for any year, on its Statement of Financial Affairs. This is another strong signal that there is no ongoing business activity, and no employee jobs, to be saved and reorganized by this case.

10.

It is evident from the Schedules, also, that the only debts WESTMOUNT GROUP, INC. *admits* it owes, in any amount, are four:

- a) A secured debt on Schedule "D" to MONTOYA PARK PLACE for \$1,461,586.09, supposedly secured by "all assets" of the Debtor, totaling \$794,555.36 in value. Evidently a promissory note has been created since July 20, 2020, to make it appear that WESTMOUNT GROUP, INC. "gave value" for

the “at least \$1,038,000 in money market certificates which KEYVAN PARSA and/or MONTOYA PARK PLACE, INC. placed in the name of WESTMOUNT GROUP, INC. on July 20, 2020. There was no lien given, however, upon the money-market certificates, and “all assets” is not a sufficient description to create a valid security interest or financing statement. \$794,000 does not fully secure \$1,461,586.00 in debt, and MONTOYA PARK PLACE, INC. is a Co-Defendant in the 327th District Court litigation as a holder or previous holder of the unjust enrichments in that case. MONTOYA PARK PLACE, INC. is presently controlled in fact by PARSA, subject to the outcome of that case. If any financing statement (and security agreement) was ever prepared, it was never recorded with the Texas Secretary of State. *See* the UCC search dated September 20, 2021 on WESTMOUNT GROUP, INC. attached as Exhibit “E.”

- b) \$700,000 to WESTSTAR TITLE;
- c) An “unknown” amount to FIDELITY NATIONAL TITLE INSURANCE COMPANY;
- d) \$373,000 in disputed debt to ALBERT FLORES.

There is also scheduled an “unknown” amount supposedly owed to MANNY JEMENTE.*

11.

* The Schedules dignify this debt undeservedly. MANNY JEMENTE has a late-2019 listing agreement with JOHANNSEN DEVELOPMENT GROUP, INC. that had not been signed by PARSA. The listing agreement and an earnest-money contract for \$1,495 million on Tract 3 JOHANNSEN SUBDIVISION, which PARSA also refused to sign, were two years later than FLORES’ 2017 deed of trust and were both cut off by FLORES’ February 4, 2020 foreclosure upon Tract 3.

Of the foregoing debt, which is all the debt scheduled for amounts other than “\$0.00,” each one except MANNY JEMENTE’s comes from the litigation in the 327th District Court. THERE IS NO OTHER SCHEDULED DEBT TO PAY.

12.

The Statement of Financial Affairs in this case also shows that within five days of Judge SPIECZNY’s July 14, 2021 refusal to vacate his order that PARSA and WESTMOUNT GROUP, INC. deposit \$750,000 into the registry of the 327th District Court, PARSA paid preferentially \$450,000 to an “affiliate” named “TECHROVER, INC.” and caused WESTMOUNT GROUP, INC. to sell to his closely-held affiliates and his allies the RUTTERS, the following El Paso real properties:

- a) 538 East Road, to 538 East, Inc. for a \$76,500.00 note.
- b) 3220 Montana Avenue, to WESTMOUNT ASSETS, INC. for a \$35,000.00 note.
- c) 4325 Leeds Avenue, to WESTMOUNT ASSETS, INC. for a \$35,000.00 note.
- d) 4500 Frankfort Avenue, for a \$35,000.00 note;
- e) 4537 Skylark Way, for a \$93,892.83 note;
- f) 9532 Charleston Street, for a \$74,159.26 note.


The respective present CAD values for the six properties are, \$63,761.00, \$107,760.00, \$67,977.00, \$112,000.00, \$119,116.00, and \$113,162.00. WESTMOUNT GROUP, INC. did not get adequate value in return for its property. The notes total \$314,532.09 while the properties’ CAD values total \$464,660.00. And WESTMOUNT GROUP gave its insider-purchasers 100% financing. They can hardly be bona fide purchasers under the circumstances. And all of them were aware of the litigation in the 327th District Court; DOUGLAS A. RUTTER was a witness called by KEYVAN PARSA at one of the Motion to Vacate hearings.

13.

While those transfers are avoidable in bankruptcy, suggesting there might be a reason to keep this Chapter 11 case going, they are also recoverable in the 327th District Court through the UFCA, and as the rampant maker of those transfers, WESTMOUNT GROUP, INC. cannot be depended upon to use a debtor-in-possession's powers recover them.

WHEREFORE, PREMISES CONSIDERED, FLORES repeats his prayer, that this case be dismissed as a bad-faith filing, for the reasons previously pleaded, and for the additional reasons stated above. Further FLORES prays for all other relief deserved in the circumstances, general or special, at law or equity.

Respectfully submitted this 21st day of September, 2021.

/s/ 

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(915) 584-3773
(915) 581-3452 facsimile
budkirk@aol.com

Attorney for ALBERT FLORES

CERTIFICATE OF SERVICE

I do hereby certify that on this 21st day of September, 2021, I did cause a copy of the foregoing Supplement of Albert Flores to his Motion to Dismiss Chapter 11 Case as a Bad Faith Filing to be mailed to Jim Rose, Attorney for the United States Trustee, 615 E. Houston, Ste. 533, P.O. Box 1539, San Antonio, TX 78295-1539; to Brad W. Odell, Subchapter V Trustee, 1500 Broadway, Ste. 700, Lubbock, TX 79401-3169; to Westmount Group, Inc., 810 N. Kansas Street, El Paso, TX 79902-5207; to Stephen W. Sather, 7320 N MoPac Expy, Ste. 400, Austin, TX 78731; to City of El Paso, c/o Don Stecker, 112 E. Pecan St., Ste. 2200, San Antonio, TX 78205-1588; to Weststar Title, LLC, c/o James W. Brewer, 221 N. Kansas, Ste. 1700, El Paso, TX 79901-1401; and to all persons who have been identified to date as parties in interest in this case, as shown on the attached list.


E.P. BUD KIRK

4063.007-MC-092021

Fidelity National Title Insurance Co.
c/o Shakira Kelley
6900 Dallas Parkway, Ste. 610
Plano, TX 75024-7164

Manny Jemente
Acala Investments
6044 Gateway Blvd. East
El Paso, TX 79905-2023

Albert Flores
3605 Arcadia
El Paso, TX 79902

Shabnam Izadpanahi
36 Micmac Crescent
North York, ON M2H2K2

Keyvan Parsa
7604 Plaza Redonda
El Paso, TX 79912-8402

Ulrick Moise
Palacio de Paquim
C. Durango 2047
32575 CD Juarez
Chih. Mexico

Keyvan Parsa, M.D. and
Montoya Park Place, Inc.
c/o Troy Chandler Brown
P.O. Box 221588
El Paso, TX 79913

Wells Fargo Business
P.O. Box 6995
Portland, OR 97228-6995

EXHIBIT “A”

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:	801697961	Entity Type:	Domestic For-Profit Corporation
Original Date of Filing:	December 7, 2012	Entity Status:	In existence
Formation Date:	N/A	FEIN:	
Tax ID:	32049680559		
Duration:	Perpetual		
Name:	WESTMOUNT ASSETS, INC.		
Address:	810 N KANSAS ST EL PASO, TX 79902-5207 USA		

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>	<u>ASSOCIATE ENTITIES</u>
Name KEYVAN PARSA		Address 810 N. KANSAS EL PASO, TX 79902 USA		Inactive Date	

Instructions:
● To place an order for additional information about a filing press the 'Order' button.

EXHIBIT “B”

EXHIBIT “C”

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:
Original Date of Filing:
Formation Date:
Tax ID:
Duration:

Name:
Address:

802246035
July 1, 2015
N/A
32057678560
Perpetual

538 East, Inc.
71 CAMILLE DRIVE
EL PASO, TX 79912 USA

Entity Type:
Entity Status:

FEIN:

Domestic For-Profit Corporation
In existence

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATE ENTITIES
Name		Address		Inactive Date	
Douglas L Rutter		71 Camille Drive El Paso, TX 79912 USA			

Order

Return to Search

Instructions:

- To place an order for additional information about a filing press the 'Order' button.

EXHIBIT “D”

TEXAS SECRETARY of STATE

JOSE A. ESPARZA

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number:802081836

Original Date of Filing:October 13, 2014

Formation Date:N/A

Tax ID:32055407004

Duration:Perpetual

Name:TRR 4133, INC.

Address:71 CAMILLE
EL PASO, TX 79912 USA

Entity Type:Domestic For-Profit Corporation

Entity Status:In existence

FEIN:

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATE ENTITIES
Name	Address		Inactive Date		
Douglas L Rutter	220 Thunderbird, Ste. R El Paso, TX 79912 USA				

Order

Return to Search

Instructions:

To place an order for additional information about a filing press the 'Order' button.

EXHIBIT “E”

TEXAS SECRETARY of STATE
JOSE A. ESPARZA

Debtor Name Search

This debtor name search was performed on 09/17/2021 06:32 PM with the following search parameters:

DEBTOR NAME: WESTMOUNT GROUP, INC.

CITY: [Not Specified]

No records exist which match the criteria you have entered.

[Order Certificate](#)

[New Search](#)

Instructions:

- Press 'New Search' if you wish to perform another web inquiry.
- Press 'Previous' or 'Next' to scroll through the results of this inquiry.
- Enter the page number and click 'GO' button to view the desired page.
- Press 'Order Search Certificate' if you wish to order a search certificate with the parameters entered for this web inquiry.
- If you wish to order only selected filings for this debtor, check by the filings and press 'Order Selected Filings'.
- Checked filings will be retained from page to page as you scroll through the results of this inquiry.
- If an order for a search certificate or selected filings is placed against this web inquiry, the web inquiry fee will be waived.
- Check 'Select All Filings' and press 'Order Selected Filings' if you wish to order copies of all filings and full filing history for the results of this web inquiry.
- To view a particular filing document, click on the image under 'View' for the desired document.